

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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OCT - 7 1996

Federal Communications Commission  
Office of Secretary

In re

Amendment of Section 73.202(b)	)	
Table of Assignments	)	MM Docket No. 96-171
FM Broadcast Stations	)	RM-8846
Indian Springs, Nevada	)	
Mountain Pass, California,	)	
Kingman, Arizona, St. George,	)	
Utah, Imperial California,	)	
and Parker, Arizona	)	

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To: Chief, Allocations Branch

COMMENTS OF BRAWLEY BROADCASTING COMPANY

Brawley Broadcasting Company, licensee of FM station KMXX, Imperial, California ("KMXX"), by its attorney, respectfully submits these comments in support of the Commission's Notice of Proposed Rule Making and Orders to Show Cause ("NPRM"), DA 96-1271, released August 16, 1996.

KMXX has reviewed the changes to the Commission's Table of FM Allotments proposed in the NPRM and has determined that adoption of those changes will permit it to upgrade its own facilities. In particular, once station KHYZ moves to Channel 259, as proposed in the NPRM, KMXX could upgrade to Class B1 on its present frequency, Channel 257, as a restricted allotment to Mexico. KMXX's upgrade requires also that station KVEZ, Parker, Arizona, change from its present Channel 257 to Channel 258.

KMXX recognizes that the policy enunciated in Milton, WV and Flemingsburg, KY, 11 FCC Rcd 6374 (1996), may prohibit it from formally proposing its upgrade as a counterproposal in this

*One*

proceeding, for it is conditional on, rather than mutually exclusive with, the NPRM. However, in the event a counterproposal to the NPRM is filed which would result in KHYZ not changing frequency, KMXX's upgrade would be mutually exclusive with that counterproposal.<sup>1</sup> Thus, out of an abundance of caution, KMXX submits its proposal at this time.

KMXX proposes that the Table of Allotments be modified as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Indian Springs, NV	257A	257C*
Mountain Pass, CA	258B	259B*
Kingman, AZ	260C2	261C2*
St. George, UT	259C	260C*
Imperial, CA	257A	257B1
Parker, AZ	257C2	258C2

\* Changes proposed in MM Docket 96-171

As shown by the attached spacing studies, the allotment of Channel 258C2 at the coordinates of KVEZ fully meets the Commission's spacing requirements. In fact, KVEZ could upgrade to Class C1 on Channel 258 and still be fully-spaced. With this change in KVEZ to Channel 258, Channel 257B1 at KMXX's licensed coordinates

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<sup>1</sup> This is analogous to the situation in AM where an application is cut off as a result of a mutually exclusive application filed on a third application's cut off date, as follows. Assume application A is cut off on a certain date. Application B, which is not mutually exclusive with application A, must be filed by A's cut off date if a third application, mutually exclusive with both application A and application B is filed.

will be fully-spaced. The proposed upgrade will permit KMXX to increase its coverage area and population, resulting in a more efficient use of the frequency.

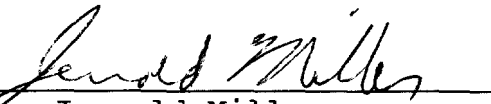
KMXX recognizes its responsibility and agrees to reimburse KVEZ for its necessary and reasonable costs in changing frequency to accommodate KMXX's upgrade. KMXX hereby certifies that it will promptly apply for a construction permit to implement its upgrade upon finalization of Commission action on its proposal, and will promptly construct its authorized facilities upon grant thereof.

In sum, KMXX fully supports the changes proposed in the NPRM, for their implementation would permit KMXX to upgrade its own facilities, with the concomitant public interest benefits. If the Commission is unable to process KMXX's upgrade in connection with the NPRM, KMXX will submit its own petition for rule making when permitted to do so.

In view of the above, the Commission should amend Section 73.202(b) as proposed herein.

Respectfully Submitted,

BRAWLEY BROADCASTING COMPANY

By   
Jerrold Miller  
Its Attorney

October 7, 1996

Miller & Miller, P.C.  
P.O. Box 33003  
Washington, DC 20033

FM Spacing study

Title: IMPERIAL, CA  
Channel 257B1 -( 99.3 MHz)  
Database: FCC 03/21/96

Latitude: 32-54-40  
Longitude: 115-31-40  
Safety zone: 45 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
ALLOC			*203A		32-29-30	123.4	84.40	12
San Luis Rio Colorado	SO		88.5		114-46-36	303.8	72.40	CLEAR
KUBO	LIC	Radio Bilingue, Inc.	*204A	3	32-47-57	169.6	12.62	12
Calexico	CA		88.7	83	115-30-12	349.6	.625	CLOSE
ALLOC			254A		31-51-10	221.8	157.0	48
Ensenada	BJ		98.7		116-38-09	41.2	109.0	CLEAR
ALLOC			255B		32-37-35	116.4	70.85	71
Cuervos	BJ		98.9		114-51-03	296.8	-.15	SHORT
ALLOC			256B		33-57-58	306.2	201.3	145
Riverside	CA		99.1		117-17-20	125.2	56.27	CLEAR
ALLOC			257A		32-51-44	210.0	6.269	143
Imperial	CA		99.3		115-33-41	30.0	-137	SHORT
KMXX	LIC	KOZN FM Stereo 99, Ltd	257A	3	32-51-44	210.0	6.269	143
Imperial	CA	BLH-801020AA	99.3	61	115-33-41	30.0	-137	SHORT
DOC-85-397								
XHATEFM			257A	2.93	32-34-11	250.4	111.7	143
Tecate	BJ		99.3		116-38-55	69.8	-31.3	SHORT
ALLOC			257A		32-32-05	248.6	113.1	143
Tecate	BJ		99.3		116-38-58	68.0	-29.9	SHORT
ALLOC			257B1		32-30-29	252.8	148.5	175
Tijuana	BJ		99.3		117-02-17	72.0	-26.5	SHORT
XHKY-FM			257B1	25	32-30-29	252.8	148.5	175
Tijuana	BJ		99.3	100	117-02-17	72.0	-26.5	SHORT
KVEZ	CP	KMDX-FM99, Inc.	257C2	10	34-07-22	41.8	181.7	200
Parker	AZ	BPH-891020IB	99.3	287	114-12-40	222.5	-18.3	SHORT
KVEZ	LIC	KMDX-FM99, Inc.	257A	.18	34-07-22	41.8	181.7	143
Parker	AZ	BLH-820301AC	99.3	308	114-12-40	222.5	38.72	CLEAR
ALLOC			257C2		34-07-22	41.8	181.7	200
Parker	AZ	DOC-88-490	99.3		114-12-40	222.5	-18.3	SHORT
NEW	APC	Pike Family Broadcasting	258A	3	33-44-55	319.4	123.0	96
Rancho Mirage	CA	870330MT	99.5	100	116-23-36	139.0	26.97	CLEAR

FM Spacing study

Title: IMPERIAL, CA  
Channel 257B1 ( 99.3 MHz)

Latitude: 32-54-40  
Longitude: 115-31-40

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
ALLOC			258A		33-44-23	318.5	123.4	96
Rancho Mirage	CA	DOC-86-54	99.5		116-24-43	138.0	27.38	CLEAR
Filing window 03/24-04/22/87 **CLOSED**								

NEW	APC	Anne K. and William F. W	258A	.71	33-51-59	321.9	135.3	96
Rancho Mirage	CA	BPH-870422MJ	99.5	171	116-25-56	141.4	39.30	CLEAR
DOC-90-10; Cut-off 06/16/88; Initial Decision to Grant								

PRM			259B1		32-29-30	251.3	142.6	50
Tijuana	BJ		99.7		116-57-55	70.5	92.59	CLEAR
ALLOC			260B		33-57-55	306.2	200.8	71
San Bernardino	CA		99.9		117-16-59	125.3	129.8	CLEAR

>> End of channel 257B1 study <<

FM Spacing study

Title: PARKER, AZ  
Channel 258C1 ( 99.5 MHz)  
Database: DW 08/28/96

Latitude: 34-07-22  
Longitude: 114-12-40  
Safety zone: 100 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KUBO	LIC	RADIO BILINGUE INCORPORA	*204A	3	32-47-57	219.5	189.7	22
CALEXICO		CA BLED-890503KA	88.7	83	115-30-12	38.8	167.7	CLEAR
Call Granted 12/24/86								
K205BK	LIC	FAITH COMMUNICATIONS COR	205FT	.052	34-27-24	340.1	39.41	22
LAKE HAVASU CITY		AZ BLFT-911008TB	88.9		114-21-27	160.0	17.41	CLEAR
Translator for KILA, LAS VEGAS, NV								
KHWY	LIC	KHWY (CALIFORNIA), LP	255B	10	34-52-50	317.3	115.2	79
ESSEX		CA BLH-950822KB	98.9	325	115-04-05	136.8	36.15	CLEAR
Was KHIW 03/25/91 per FCC release #154 dated 03/22/91; Ant: Harris FML-3E								
ALLOC			255B		32-37-35	199.8	176.3	105
CUERVOS		BJ	98.9		114-51-03	19.5	71.31	CLEAR
K256AA	LIC	VINE COMMUNICATIONS	256FT	.010	35-04-52	14.7	110.0	75
KINGMAN		AZ BLFT-920608TD	99.1	1083	113-54-12	194.9	34.99	CLEAR
Translator for KBGO, LAS VEGAS, NV								
KNOT-FM	LIC	PAYNE-PRESCOTT BROADCAST	256A	6	34-34-29	72.0	167.1	75
PRESCOTT		AZ BLH-930510KC	99.1	61	112-28-45	253.0	92.05	CLEAR
Ant: Continental G4CPL-6A								
KVEZ	LIC	KMDX FM 99, INC.	257A	.18	34-07-22	.0		133
PARKER		AZ BLH-820301AC	99.3	307	114-12-40	.0	-133	SHORT
Deletion proposed; ORDERED TO 257C2; Was KMDX 10/06/95 per FCC release #264 dated 10/06/95; Ant: Shiveley 6812								
KVEZ	CP	KMDX FM 99, INC.	257C2	10	34-07-22	.0		158
PARKER		AZ BPH-891020IB	99.3	287	114-12-40	.0	-158	SHORT
CP Granted 02/02/93 per FCC release #21568 dated 02/12/93; CP Granted 02/02/93 per FCC release #21568 dated 02/12/93; ORDERED FROM 2 7A; BMPH-951017JA EXT C RD 2/23/96(43686-3/4/96); Was KMDX 10/06/95 per FCC release #264 dated 10/06/95								
RM		RULE MAKING PETITION	257C2		34-17-50	20.9	20.73	158
LAKE HAVASU CITY		AZ RM-6623	99.3		114-07-50	200.9	-137	SHORT
COUNTERPROPOSAL TO DOC-88-490								
KMXX	APP	BRAWLEY BROADCASTING CO.	257A	6	32-54-40	222.5	181.7	131
IMPERIAL		CA BPH-960408IB	99.3	92	115-31-40	41.8	48.72	CLEAR
Received per FCC release #23717 dated 04/16/96; Was KBCD 05/20/93 per FCC release #205 dated 05/28/93								
KMXX	LIC	BRAWLEY BROADCASTING CO.	257A	3	32-51-44	222.1	187.9	131
IMPERIAL		CA BLH-801020AA	99.3	61	115-33-41	41.4	54.86	CLEAR
Was KBCD 05/20/93 per FCC release #205 dated 05/28/93								

① APPLIES TO KVEZ'S PRESENT OPERATION.  
NOT APPLICABLE.

FM Spacing study

Title: PARKER, AZ  
Channel 258C1 ( 99.5 MHz)

Latitude: 34-07-22  
Longitude: 114-12-40

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of	License	St	FCC	File no.	Freq	EAH-m	Longitude	-from (km) (km)
K257CD	LIC	LOUIS B. BURKE, JR.	257FT	.018	33-35-54	106.0	205.0	13.2
PHOENIX		AZ BLFT-850107TA	99.3		112-05-13	287.1	71.99	CLEAR
Translator for KVVA-FM, APACHE JUNCTION, AZ								
K257BU	LIC	LOTUS BROADCASTING CORPO	257FT		36-00-29	341.2	221.3	13.2
HENDERSON		NV BLFT-830811MG	99.3		115-00-20	160.7	88.35	CLEAR
Translator for KOMP, LAS VEGAS, NV								
PRM		CLASS CHANGE FROM A PROP	257C		36-25-18	330.9	293.6	20.0
INDIAN SPRINGS		NV DOC-96-171	99.3		115-48-35	150.0	84.61	CLEAR
PRM adopted 08/09/96, released 08/16/96; RM-8846; SITE RESTRICTION 13.2 MI SW								
KHYZ	LIC	KHWY (CALIFORNIA), LP	258B	10	35-29-27	321.4	195.5	27.0
MOUNTAIN PASS		CA BLH-851105KD	99.5	521	115-33-27	140.7	-74.5	SHOR
Deletion proposed; Was KXVR 06/05/92 per FCC release #184 dated 06/05/92								
KHYZ	CP	KHWY (CALIFORNIA), LP	258B	8.40	35-29-27	321.4	195.5	27.0
MOUNTAIN PASS		CA BPH-950920IH	99.5	551	115-33-27	140.7	-74.5	SHOR
CP Granted 02/14/96 per FCC release #* dated 02/20/96; CP Granted 02/14/96 per FCC release #* dated 02/20/96; Was KXVR 06/05/92 per FCC release #184 dated 6/05/92								
PRM		DELETION PROPOSED	258B		35-29-27	321.4	195.5	27.0
MOUNTAIN PASS		CA DOC-96-171	99.5		115-33-27	140.7	-74.5	SHOR
Deletion proposed; PRM adopted 08/09/96, released 08/16/96; RM-8846								
KMRJ	CP	DANIEL P. MITCHELL	258A	.69	33-51-59	262.7	207.2	20.0
RANCHO MIRAGE		CA BPH-870422MB	99.5	171	116-25-56	81.5	7.174	CLOS
CP Granted 06/11/96 per FCC release #* dated 06/14/96; CP Granted 06/11/96 per FCC release #* dated 06/14/96; Hearing DOC-90-10, adopted 01/09/90, released 02/07/90; Call Granted 05/01/96 per FCC release #280 dated 05/10/96								
KKLA-FM	LIC	NEW INSPIRATION BCG CO,	258B	10.5DA	34-13-26	272.9	355.2	27.0
LOS ANGELES		CA BLH-940825KB	99.5	878	118-03-44	90.7	85.24	CLEAR
CP Granted 03/28/94 per FCC release #21862 dated 04/13/94; CP Granted 03/28/94 per FCC release #21862 dated 04/13/94; Was KKLA 08/01/95 per FCC release #26 dated 08/11/95; DA: Shiveley 6015-2/1-DA @ 0 deg								
KIIM-FM	LIC	REX BROADCASTING CORPORA	258C	93	32-14-56	125.0	355.6	27.0
TUCSON		AZ BLH-850131LP	99.5	621BT	111-06-59	306.7	85.65	CLEAR
Was KIIM 12/13/89								
ALLOC			259A		32-37-35	199.8	176.3	17.0
CUERVOS		BJ	99.7		114-51-03	19.5	6.314	CLOS
PRM		PROPOSED RULE MAKING	259B		35-29-27	321.4	195.5	19.0
MOUNTAIN PASS		CA DOC-96-171	99.7		115-33-27	140.7	.475	CLOS
PRM adopted 08/09/96, released 08/16/96; RM-8846								

② APPLIES TO PRESENT FREQUENCY. PROPOSED  
FREQUENCY CHANGE. THEREFORE, NOT APPLICABLE

FM Spacing study

Title: PARKER, AZ  
Channel 258C1.( 99.5 MHz)

Latitude: 34-07-22  
Longitude: 114-12-40

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KGMN	LIC	NEW WEST BCG SYSTEMS, IN	260C2	.91	35-06-37	15.2	113.6	79
KINGMAN	AZ	BLH-901120KG	99.9	883	113-52-55	195.4	34.63	CLEAR
Deletion proposed; Ant: Jampro JLLP-3								
PRM	DELETION	PROPOSED	260C2		35-06-37	15.2	113.6	79
KINGMAN	AZ	DOC-96-171	99.9		113-52-55	195.4	34.63	CLEAR
Deletion proposed; PRM adopted 08/09/96, released 08/16/96; RM-8846								
K261CD	LIC	MARY CHRISTINE DICOB	261FT	.054DA	34-27-14	339.1	39.35	75
LAKE HAVASU CITY	AZ	BLFT-890109TH	100.1		114-21-52	159.0	-35.7	SHORT
Translator for KWAZ, NEEDLES, CA								
K261CD	CP	MARY CHRISTINE DICOB	261FT	.034DA	34-32-54	1.9	47.23	75
LAKE HAVASU CITY	AZ	BPFT-940518TD	100.1	703	114-11-37	182.0	-27.8	SHORT
CP Granted 08/22/95 per FCC release #* dated 09/01/95; CP Granted 08/22/95 per FCC release #* dated 09/01/95; Translator for KWAZ, NEEDLES, CA; DA: Scala CA 5-150EB/CP @ 270 deg								
PRM	PROPOSED	RULE MAKING	261C2		35-06-37	15.2	113.6	79
KINGMAN	AZ	DOC-96-171	100.1		113-52-55	195.4	34.63	CLEAR
PRM adopted 08/09/96, released 08/16/96; RM-8846								

>> End of channel 258C1 study <<

③ TRANSLATORS, SECONDARY SERVICES.  
NOT APPLICABLE.